IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	10/065,729	**Conf. No.**	6166
In Re Application of:	Buswell *et al.*	**Art Unit:**	2152
Filed:	11/13/2002	**Dkt. #:** BUR920020006US1 (IBMB-0013)	
Title: CLIENT-SERVER TEXT MESSAGING MONITORING FOR REMOTE COMPUTER MANAGEMENT		**Examiner:**	Doan, Duyen My

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

REPLY BRIEF

The following remarks are directed to the new points of argument raised in the Examiner's Answer dated March 8, 2007.
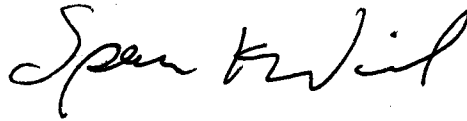
In Section 10 of the Examiner's Answer, the Examiner states that claimed "the monitor configured to monitor a CSTM server for a command from a management system posted thereto" (e.g., claim 1) is construed as "message posted on a server regarding the status of the user from a computer system." (Page 7 of the Answer). The Examiner further asserts that Wick anticipates this feature by disclosing a user monitoring other users signing on/off a server. (*See* page 8 of the Answer.) Appellants submit that the above assertions are defective. First, a command in the claimed invention is not just a message of a status. A "command is an authoritative direction or instruction to do something" (*WordNet® 3.0 © 2006 Princeton University*). As such, a command is an active instruction to do something, instead of just a message regarding the status.

1

Second, the on/off status of a user in Wick is not for a management program that "is responsive to" it. (Claim 1). The signing on/off is only between a user and a server in Wick. The on/off status might be monitored by other users, however, a user does not require another user to act in response to the singing on/off. That is, the signing on/off of a user is not conducted consciously for another specific user to act in response to it, i.e., it does not instruct to do something. In view of the foregoing, the on/off status of a user in Wick is not a command posted to a CSTM server from a management system

In addition, the on/off status in Wick is not even an active message posted by a user. The on/off status of a user might be monitored, however, by signing on/off, a user in Wick does not post a message in the server. Note that the term "post" requires an active action, not just an inactive status. Based on the asserted disclosure of Wick (*see*, e.g., Examiner's Answer at page 8), even if Wick included posting a message regarding a status of a user, assumed for sake of argumentation, it would be the server but not a user that posts the message. In contrast, the claimed invention includes, *inter alia*, a command from a management system posted [to a CSTM server.]" (Claim 1). In view of the foregoing, Wick does not disclose the above identified features of the claimed invention and the new points of arguments raised in the Examiner's Answer are defective.

It is respectfully submitted that all points raised in the Appellants' Reply Brief are directed to new points of argument raised in the Examiner's Answer. For the reasons set forth herein and in the Appeal Brief, it is further submitted that the Final Rejection of Claims 1-20 should be reversed.

Respectfully submitted,

Dated: 05/08/07

Spencer K. Warnick
Reg. No. 40,398

(JZ)

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile